

1 **SENATOR ROACH:** But I think I can say that
2 neither you nor Michael, none of you, I would call a
3 friend. We're not friends. We don't sit down and have
4 conversations. Michael and I haven't spoken about
5 anything from when we graduated. As a matter of fact, in
6 this campaign he got all my class members to come to your
7 headquarters, and he didn't come to mine, right? They all
8 went there and buy food. He had a African fashion show
9 and all of this, and he didn't have nothing to my
10 headquarters and bring no supports my way. He just
11 focused on you, and that's okay. You're his brother.

12 Now, you might not remember this, but I remember
13 that when I was sworn in in January of 2013, somewhere
14 within that month or two you came to the office. And you
15 were working for HOPE, and you came because you all were
16 working on some grant, and you were looking a letter of
17 support to get this grant to support whatever the work of
18 HOPE was. That was January of 2013, and I remember that
19 specifically. I also remember that in February we were
20 celebrating a mutual friend's 50th birthday. I can't call
21 his name, because he ain't going to want his age to be on
22 the record. But we were celebrating that birthday, and I
23 was scrolling through my Facebook, because I wanted to be
24 sure of the date. We had taken a picture with a third
25 friend and that picture I had posted in Facebook -- on

1 Facebook in 2013, and I know we had spoken about your
2 coming home and about your intending to stay. So I had
3 personal knowledge of what I think your intent was in
4 coming to St. Thomas -- coming back to St. Thomas.

5 Now, I also know how difficult it is to get
6 people to understand something. That's been my challenge
7 from January, and there's been a lot of talk about it,
8 acquisitions throwing back and forth, who looking credit
9 all kind of thing been said, right?

10 **THE TIMEKEEPER:** One minute thirty seconds.

11 **SENATOR ROACH:** At no time did I ever say that
12 the Legislature should automatically seat you. That has
13 never been the position of anybody on this side of the
14 aisle. This what I wrote in a letter to President
15 Jackson. I am -- this is February -- January 26, 2017.

16 *"I am convinced by my own review of the matter*
17 *and by the Legal Counsel's detailed review, that the*
18 *matter is appropriately within the province of the 32nd*
19 *Legislature now that the body has been convened. I am*
20 *further convinced that this matter would become even more*
21 *entangled by the several legal actions being maintained*
22 *before the local courts which may lead to conflicting and*
23 *contradictory outcomes", right.*

24 I say that to say that I think what plagues this
25 scenario now --

1 **THE TIMEKEEPER:** Thirty seconds.

2 **SENATOR ROACH:** -- is you're saying or your
3 completing a document that said you were a resident of one
4 place at the same time you were saying you are a resident
5 of this place. And so what everybody out there says how
6 can you seat a person who makes these representations or
7 who lies. How do you know if what he's going to tell you
8 when you speak in this Legislature is the truth versus
9 what he said before. And I think that's the challenge to
10 get to the criteria to determining residency versus what
11 some of us may take as a moral or ethical issue. And so I
12 had to explain to people try to understand to separate the
13 two things.

14 **THE TIMEKEEPER:** Time.

15 **SENATOR ROACH:** And Mr. Chair if I could
16 conclude. So for me my recollection, my personal
17 involvement and interaction with you going back to then,
18 and coupled with some other things satisfy for me that I
19 can make a determination whether I believe that you --
20 that this was your bona fide residence at the time that
21 you filed those nomination papers in 2013. But I think
22 you need to just say something on record about the people
23 who believe that somehow this reputation or this
24 disinclination to speak the truth is what they are
25 focusing on. Speak to that for me on the Chair's time.

1 **MR. RODRIGUEZ:** Well, Senator one of the things
2 I think where I probably went wrong, you know, they say
3 sometimes you have to be ahead of the story, because if
4 you don't get your story out first whatever story comes
5 out people believe. And one of the premise I always lived
6 on and actually I was raised by that is my father always
7 told us once you tell me the truth I know how to protect
8 you. And there was no need for me to lie to anyone
9 especially -- and I wanted to acknowledge my brother,
10 because my brother retired in December.

11 I didn't want to go to the Third Circuit. I did
12 not. I said Michael we don't have the money. He said
13 Kevin we going because you know what, what they're doing
14 to you is unfair, and you didn't do anything wrong. And
15 if I have to go and find another job to pay your legal
16 fees then I am going to do it. We're going to Third
17 Circuit, and that's what my brother did. My brother
18 retired from the federal court, and everybody knows he's a
19 championship writer for 30 something years. He went back
20 to work, and everyday my brother would call me at 8:00 how
21 are you doing? I'm going to work today. So one of things
22 I held on to, and I know I have to build my -- the
23 reputation, because, you know, you have to have
24 conversation.

25 Another example, I met a guy in Diamond Barrel,

1 and he said I'm not going to vote for you. But I took an
2 hour and a half to explain to him my story. And he said
3 you know if you get elected the first thing I want you to
4 do is take one month off, but start your campaign again,
5 because you need to build your reputation. So I know it's
6 a conversation, but I felt it fit in that when you going
7 through legal situations you try not to say too much
8 because you don't want to incriminate yourself. Or you
9 don't even know what to say unless you're advised. And so
10 I wanted to yield on the caution of let the court decide.
11 I'm going to provide my evidence and which I went to the
12 Superior Court. I produced my evidence which she stated
13 that it was un rebutted witness testimony, Rodriguez
14 social, family, and professional relationship then to show
15 that the Virgin Islands was Rodriguez's intended domicile.
16 And so I believe in your words speak. And so I'm not
17 going out there challenging people, but I know there are
18 going to come a point where I have to get my story out and
19 at that time I will.

20 **SENATOR ROACH:** All right. Thank you for your
21 response. Thank you, Mr. Chair.

22 **SENATOR FORDE:** Thank you Senator Roach.
23 Senator James, you're recognized for your seven
24 minutes.

25 **SENATOR JAMES:** Thank you very much, Mr.

1 Chairman. And good night to you and good night to the
2 senators, and definitely a special good night to the
3 testifiers in particular senator-elect, winning candidate,
4 Kevin Rodriguez and those supporters in the back, those
5 viewing and listening.

6 Senator.

7 **MR. RODRIGUEZ:** Yes, Senator.

8 **SENATOR JAMES:** The reaction of the Majority
9 when Senator Francis found out that Judge Mackay had ruled
10 in your favor, what was that reaction?

11 **MR. RODRIGUEZ:** Yeah. Actually it was Senator
12 Francis did say you won, and then you guys were happy.

13 **SENATOR JAMES:** Thank you very much. I just
14 want to put that on the record.

15 **MR. RODRIGUEZ:** Yes.

16 **SENATOR JAMES:** I don't want the public to think
17 that I was saying --

18 **MR. RODRIGUEZ:** You congratulated me.

19 **SENATOR JAMES:** I was saying something earlier
20 that was inconsistent. We were happy because, you know,
21 we had already made the commitment to each other and to be
22 in the caucus, and then the rulings came down three days
23 later and that's what we're dealing with now.

24 Attorney Jackson, good night.

25 **MR. JACKSON:** Good night.

1 **SENATOR JAMES:** Thank you for your service on
2 the constitutional convention back in the day. The most
3 recent one, right?

4 **MR. JACKSON:** Yes.

5 **SENATOR JAMES:** Appreciate that. And of course
6 Tito Morales my good friend, good to see you tonight here
7 in the well. And I want Mrs. Rodriguez to know that what
8 Kevin did in that time of need every man instinctively
9 should do for their children, and I just want to put that
10 on the record.

11 **MS. RODRIGUEZ:** Thank you.

12 **SENATOR JAMES:** And Ms. Penn I never met you
13 before, but it's good to see you're here supporting Kevin,
14 all right. However, the matter before us has to do with
15 6(b) of the Revised Organic Act, specifically the residency
16 requirement. When you filed for bankruptcy you were
17 eligible for a homestead exemption in Tennessee?

18 **MR. RODRIGUEZ:** I believe so. I believe so.

19 **SENATOR JAMES:** Because, we had bankruptcy laws
20 that changed in 2005, and in reading the new language for
21 the bankruptcy laws they are consistent with why I believe
22 you checked off some of these boxes. For example under
23 the old law when you declared bankruptcy, the amount of
24 your home equity that was protected from creditors was
25 determined by the state where you filed. In Florida for

1 instance, your home would have been entirely exempted even
2 if you bought it soon before filing. The new law,
3 however, is more stringent about the homestead exemption.

4 For instance, if filers having lived in a state
5 for at least two years, they may only take the state
6 exemption of the state where they lived for the majority
7 of the time for the hundred and eighty days before the
8 two-year period. And if their home was acquired less than
9 40 months before filing or if the filer has violated
10 security laws or have been found guilty of certain
11 criminal conduct, filers may only exempt up to 125,000
12 regardless of a state's exemption allowance.

13 So the reason why you checked off the boxes for
14 the hundred and eight days and you actually put down you
15 resided in Tennessee was because of the benefits that you
16 may have lost had it -- had you not stated that you lived
17 in Tennessee?

18 **MR. RODRIGUEZ:** That's incorrect. As I stated
19 earlier in my testimony, Senator, the only information I
20 provided to the attorney, they wanted my tax return, my
21 three tax returns, which I produced. They wanted the
22 bills for which Kimberly had and also proof of income.
23 That was the only communication that we -- information
24 that we gave to them.

25 **SENATOR JAMES:** But this doesn't have nothing to

1 with your tax returns. This has to do with where you put
2 down you live so you could be eligible for the homestead
3 exemption.

4 **MR. RODRIGUEZ:** Yeah, but that discussion was
5 not -- in further research, I discovered that Tennessee
6 and I'm assuming that the attorney, because he never had
7 that conversation, Tennessee of 1 of 18 states that has
8 homestead exemption, but that was never even discussed
9 with us.

10 **SENATOR JAMES:** No, but here's what I'm trying
11 to tell you, because it look like you misinterpreting what
12 I'm saying. Had you not checked over the last a hundred
13 and eighty days before filing this petition, "*I have lived*
14 *in this district longer than in any other district*", you
15 would not have been eligible for this homestead exemption.
16 I'm serious, Senator.

17 **MR. RODRIGUEZ:** So it's a statement or you
18 asking me the question?

19 **SENATOR JAMES:** No, no. I'm telling you that
20 what you checked off on your bankruptcy --

21 **MR. RODRIGUEZ:** Oh, okay.

22 **SENATOR JAMES:** -- proceeding is consistent with
23 the benefit that you would get if you did it. Had you not
24 done it --

25 **MR. RODRIGUEZ:** Okay.

1 **SENATOR JAMES:** -- then you would not have
2 benefited from this homestead exemption.

3 **MR. RODRIGUEZ:** Oh, okay. I got what you're
4 saying. I thought it was a question.

5 **SENATOR JAMES:** And then it goes further, and
6 that's the reason why you checked off the other part with
7 respect to the three years. Because if you had put down
8 the Virgin Islands then at that point, the local
9 bankruptcy laws would come into play, because it
10 specifically says they may only take the state exemption
11 of the state where they lived for the majority of the
12 time.

13 So I have good news and I have bad news. The
14 good news is we've started the process, but I really
15 believe the bad news is it ain't going done tonight.
16 Because in fairness to you and due process on your
17 counsel, ayo need to answer to this particular part right
18 here, because one thing the counsel said earlier tonight,
19 our Legal Counsel --

20 **THE TIMEKEEPER:** One minute thirty seconds.

21 **SENATOR JAMES:** -- the last thing the
22 Legislature wants is to do anything that going to question
23 due process. And based on this and the new law, the 2005
24 Bankruptcy Abuse Protection Act and Consumer Protection
25 Act and what you checked off knowing that you stated

1 tonight you were really living here, and I know you were
2 living here, because Senator James was the senate
3 president in the last Legislature; and I was the one who
4 signed off on staffing request when worked for Senator
5 Blyden and Senator Graham. So there's no way that you
6 could have stated in January in Tennessee that you's a
7 resident of Tennessee when you know that you been here,
8 and you told me you were here from January of 2013. But
9 you signed those documents because you wanted the
10 exemption that comes under the Bankruptcy Abuse Prevention
11 Act and Consumer Protection Act.

12 **THE TIMEKEEPER:** Thirty seconds.

13 **SENATOR JAMES:** That's why you did it. It's
14 obvious. So I believe we owe it to you, Attorney Jackson
15 and all your counsels. This thing about well we got to
16 done it tonight and all that. I don't play that one. Ayo
17 know me already. I know senators going around here with
18 the sanctimonious holier than thou. They're all that and
19 they never do nothing wrong. Everybody know me. I don't
20 like to wear suit. I plain as day, but I try to be as
21 well read as possible. And Senator Rodriguez you know we
22 talked a lot when they were coming after you.

23 **THE TIMEKEEPER:** Time.

24 **SENATOR JAMES:** I didn't know who they was, but
25 they were coming after you. And once we got the

1 documentation and based on the things you signed, because
2 there's no way Kevin Rodriguez in his right mind running
3 for senator and win in St. Thomas could file a bankruptcy
4 statement and say he reside in Tennessee. That don't make
5 no sense at all. You let me down, and you let down your
6 supporters. All you had to say was I have two residence
7 not one in Tennessee and Tennessee only, and that's the
8 reason why we deh here now. And I feel bad about that
9 because I know you'd been a good senator had you been
10 working from January. And none of us created this
11 problem. This problem was created because of
12 documentation. A lot of the other senators they ain't
13 going to call a spade a spade and tell you they really
14 feel. They playing games because of what side of the
15 aisle we deh on. But I telling you now, Neville James is
16 upset that Kevin Rodriguez create this problem, and I feel
17 bad about it. This could um-hm all they want. They can't
18 cow me, and they know that.

19 And finally, when they run to the newspaper in
20 October of 2015 because they were trying to remove me as
21 president, the same senator they hugging up now over there
22 tell them I ain't turning on that man, and they know who I
23 talking about. Thank you very much Mr. Chairman.

24 **MR. RODRIGUEZ:** Can I answer, sir.

25 **SENATOR JAMES:** Of course.

1 **MR. RODRIGUEZ:** Senator, the home was already
2 foreclosed is September of 2014. There was no homestead
3 exemption to be had in 2016. So the bank had already
4 owned the house.

5 **SENATOR JAMES:** Senator, senator, listen to me
6 carefully.

7 **SENATOR FORDE:** Through the Chair, Senator
8 James.

9 **SENATOR JAMES:** Let me respond to that, right.
10 Senator, it t'ain about the foreclosure. It's about the
11 benefit. Listen carefully to what I'm telling you. They
12 make it clear here that in order -- if the homestead
13 exemption you were still trying to keep your home right or
14 wrong?

15 **MR. RODRIGUEZ:** Yeah, but Senator --

16 **SENATOR JAMES:** Yes or no. You were still
17 trying to keep home, correct? And you file Chapter 13,
18 correct?

19 **MR. RODRIGUEZ:** No. The reason why I did that
20 is in order for my family not to be evicted the following
21 day.

22 **SENATOR JAMES:** B, no you do right thing deh.

23 **SENATOR FORDE:** Senator James, your time has
24 been called.

25 **SENATOR JAMES:** Thank you very much Mr.

1 Chairman. You're absolutely right.

2 **SENATOR FORDE:** Thank you.

3 **SENATOR JAMES:** Please let him respond, please.

4 **SENATOR FORDE:** You may respond on the Chair's
5 time.

6 **MR. RODRIGUEZ:** Senator, I know mentioned that I
7 know and I wanted to get the -- but that is far from the
8 information that -- now you mentioned that I wanted to get
9 the homestead exemption that was a statement to me or you
10 said I just wanted to get it clear because --

11 **SENATOR FORDE:** Mr. Rodriguez, you can respond
12 with your understanding of what it is. You're not allowed
13 to question the senator.

14 **MR. RODRIGUEZ:** Okay. My understanding,
15 Senator, when I went to Nashville, Tennessee I did provide
16 both addresses. I said I have a home in St. Thomas,
17 Virgin Islands and a home in Nashville, Tennessee for
18 which my family live, and that's why I went to file
19 bankruptcy.

20 Now when you looked at in bankruptcy in my
21 reading my limited experience in that, because I'm not an
22 expert. When you file for bankruptcy is where the largest
23 asset is that you would file for it. Now I provided my
24 attorney with the information. And as indicated, it
25 stated that I had a house in St. Thomas, Virgin Islands if

1 you look at the application. So there was no intent to
2 hide any information.

3 **SENATOR FORDE:** Very well. Thank you very much
4 for responses. Senator Jackson, you're recognized for
5 your -- you're recognized.

6 **SENATOR JACKSON:** Good evening. Good evening
7 senator-elect Rodriguez, Mrs. Rodriguez, Attorney Jackson,
8 Ms. Penn, and Mr. Morales. Good evening.

9 **THE TESTIFIERS:** Good evening.

10 **SENATOR JACKSON:** The -- over the last six
11 months I would have to say to you that it has really been
12 an ordeal. Mr. Rodriguez and his family and our families
13 are all interconnected, and I considered Kevin Rodriguez a
14 friend and a good supporter. And as we campaigned, we had
15 good fraternal and support of our respective campaign
16 workers, as well as the Democratic Party. And of course
17 some of that has eroded over this process as accusations
18 and the intent of the Democratic Caucus to not seat Kevin
19 Rodriguez took its toll on the Party and the people of
20 this Virgin Islands, the tax payers, and the residents,
21 and the voter in reference to what direction the courts
22 went with this particular matter.

23 Earlier this -- today, I showed the book or the
24 program for the swearing in ceremony, and I personally
25 took a lot of time and advocated for the inclusion of

1 senator-elect Rodriguez through the process even during
2 the court proceedings and ended up in court, and not
3 represented, sent with after speaking to in-house Legal
4 Counsel without any representation to the Superior Court
5 on January 10th, not knowing to what extent I was going.

6 We've all been damaged through the process. So
7 when you say don't take it personal, I'm taking it
8 personally, but there are the impacts and the wounds that
9 go with governance. And I want to also do a shout out to
10 the families, to my family, to the Rodriguez families and
11 others and senators in this room who have also had to bear
12 the public ridicule, and the misfortunate tongue lashings
13 that has resulted out of this series of court cases as it
14 relates to seating senator-elect Kevin Rodriguez.

15 In going through the hundreds of pages that we
16 have been provided and the various court cases in the
17 Superior Court, *Sarauw v. Fawkes*, in the motion for
18 preliminary injunction, I thought that the examples that
19 were given in terms of how you look at a bona fide
20 resident was informative to me. And it speaks to our
21 various aspects social, family, professional relationship,
22 housing, it continues to look at employment and it makes
23 references to many of the facts that have been presented
24 here. Physical presence that speaks to the individual and
25 their presence in a particular location and then it's

1 social, family, and professional relations.

2 The one area that really had a I would say a
3 profound impact on looking at this discussion this evening
4 was on Page 16 of 28. It says, "However, Rodriguez has
5 not consistently observed other formalities of residency
6 since November of 2013. For example, after being legally
7 registered to vote in Tennessee, Rodriguez did not
8 register to vote in the Virgin Islands until May 8, 2014."
9 Then it goes on to say that "still community social
10 relationships are not the only types of relationships that
11 factor into residency calculous, marital, and family
12 relationship matters as well." And it says, "Rodriguez is
13 not legally separated from his wife and instead testified
14 they are an intact family unit and he has an intention to
15 remain married. Since 2013, his wife and two children
16 have lived in the couples' marital home" and it gives the
17 quote, the amount. He states that the primary reason for
18 the -- his family has not moved to the Virgin Islands is
19 because the Virgin Islands does not offer appropriate
20 schooling to meet his sons needs, and then it goes on and
21 some of that was discussed this evening.

22 There is no indication that Rodriguez's wife has
23 any intention to live in the Virgin Islands in this brief
24 . And then goes on to say that, "While Rodriguez's
25 community involvement supports his bona fide residency,

1 the fact that the vast majority of his family unit, which
2 is comprised of Rodriguez, and his two children and his
3 wife reside in Tennessee cuts against the finding of bona
4 fide residency. Consequently, the court finds that the
5 evidence regarding Rodriguez's social, family, and
6 professional relationships cut against the findings of
7 bona fide residency at least in as so much as plaintiffs
8 have a reasonable probability of success of showing that
9 he was not a bona fide resident during the requisite
10 period of time." It then goes on to say that in
11 reference--

12 MS. WHITE-AMARO: One minute thirty seconds.

13 SENATOR JACKSON: -- to the boxes that were on
14 the form, he -- Rodriguez had a choice of two boxes. One
15 box states over the hundred and eighty days before filing
16 the petition. I have lived in the district longer than
17 any other district. The second box states I have another
18 reason despite two options Rodriguez selected the box that
19 stated that over the last 180 days he last lived in the
20 district longer than any other.

21 So my task and that's why I stepped down from
22 the seat, and Senator O'Reilly has been doing an awesome
23 job so that we could have transparency, and I could remove
24 myself given the history and the relationship that I've
25 had with senator-elect Rodriguez and our family

1 connections. That also as it relates to the matters at
2 hand and residency how it's defined, the court looks at
3 the relationship between wife, children and location, and
4 I think he has articulated as well as his wife --

5 **THE TIMEKEEPER:** Time.

6 **SENATOR JACKSON:** -- if I may conclude -- that
7 they -- even though they have had issues, they're still a
8 couple, and they're still married and that they have two
9 children that they love, and that basically in the time of
10 need he came forward; and thus we're this evening. As my
11 colleague stated an error was made, and we have to live
12 with the consequences of the things that we do.

13 And in closing I just want to read this.
14 Because on January 9th those of us that were sworn in had
15 to take an oath.

16 *"I _____ do solemnly swear or affirm that I*
17 *will support, obey, and defend the Constitution and laws*
18 *of the United States applicable to the Virgin Islands and*
19 *the laws of the Virgin Islands, and that I take this*
20 *obligation freely without any mental reservation or*
21 *purposes or evasion and that I would faithfully and*
22 *impartially discharge the duties of senator with*
23 *fidelity."*

24 Thank you, Madam Chair.

25 **SENATOR RIVERA-O'REILLY:** It is absolutely my

1 pleasure Mr. President. Before we go to our last speaker,
2 Senator Forde, Mr. Rodriguez when you in response to the
3 Majority Leader's question regarding the application or
4 the petition for bankruptcy in Tennessee you listed a
5 number of items that you said you were required to submit
6 to your attorney, one of which is the tax returns.

7 Can you tell us what or which tax returns you
8 submitted to your attorney for in support of your petition
9 for bankruptcy?

10 MR. RODRIGUEZ: The tax returns -- the tax
11 returns that were submit are included in the exhibit.
12 Those are the identical tax return that I submit to the
13 attorney.

14 SENATOR RIVERA-O'REILLY: The tax returns for
15 what years, sir?

16 MR. RODRIGUEZ: 2013, '14, and '15.

17 SENATOR RIVERA-O'REILLY: So you submitted the
18 2013, 2014, and 2015 tax returns --

19 SENATOR RODRIGUEZ: Yes, Senator.

20 SENATOR RIVERA-O'REILLY: -- to your attorney in
21 Tennessee as part of the petition process for bankruptcy?

22 MR. RODRIGUEZ: Yes, Senator.

23 SENATOR RIVERA-O'REILLY: Okay, and that was
24 done in January --

25 MR. RODRIGUEZ: Yes, Senator.

1 **SENATOR RIVERA-O'REILLY:** -- of 2016, okay. And
2 the actual tax returns, the one that you said are part of
3 the exhibit, are tax returns that were filed in the Virgin
4 Islands.

5 **MR. RODRIGUEZ:** That's right, Senator.

6 **SENATOR RIVERA-O'REILLY:** And those were filed
7 in February?

8 **MR. RODRIGUEZ:** No, Senator --

9 **SENATOR RIVERA-O'REILLY:** -- of 2016.

10 **MR. RODRIGUEZ:** -- they were all stamped and I
11 could see the date stamp January 25th of 2016.

12 **SENATOR RIVERA-O'REILLY:** So the tax returns
13 that were filed with the local government are dated the
14 same date as the petition for bankruptcy?

15 **MR. RODRIGUEZ:** I had to -- no, no.

16 **SENATOR RIVERA-O'REILLY:** January 25, 2016 --

17 **MR. RODRIGUEZ:** Yes.

18 **SENATOR RIVERA-O'REILLY:** -- was the petition
19 for bankruptcy.

20 **MR. RODRIGUEZ:** January what?

21 **SENATOR RIVERA-O'REILLY:** January 25, 2016.

22 **MR. RODRIGUEZ:** The taxes were January 25, 2016
23 also.

24 **SENATOR RIVERA-O'REILLY:** On the same date?

25 **MR. RODRIGUEZ:** I don't know what day -- no, it

1 was done -- what I did is my tax return I did it through
2 Turbo Tax, and so I sent it and had it date stamped for
3 me.

4 **SENATOR RIVERA-O'REILLY:** Who date stamped it
5 for you?

6 **MR. RODRIGUEZ:** Huh?

7 **SENATOR RIVERA-O'REILLY:** Who date stamped it
8 for you?

9 **MR. RODRIGUEZ:** No, it was turned in date
10 stamped.

11 **SENATOR RIVERA-O'REILLY:** Turned in to who?

12 **MR. RODRIGUEZ:** To IRB. IRB.

13 **SENATOR RIVERA-O'REILLY:** So when you turn in a
14 tax return to IRB, there is someone there that stamps
15 the --

16 **MR. RODRIGUEZ:** Yeah, the receptionist. So when
17 we went into law office, one of the things -- actually
18 when we called them because their office was closed, they
19 told us one of the things that they wanted us to do is to
20 complete -- to provide them with our three taxes. So at
21 which time I went up on Turbo Tax completed my taxes, and
22 then had them filed at IRB.

23 **SENATOR RIVERA-O'REILLY:** So you did that on St.
24 Thomas?

25 **MR. RODRIGUEZ:** Yes, that was filed in St.

1 Thomas, yes. Date stamped in St. Thomas.

2 **SENATOR RIVERA-O'REILLY:** And then you submitted
3 them to your attorney in Tennessee --

4 **MR. RODRIGUEZ:** That's correct, Senator.

5 **SENATOR RIVERA-O'REILLY:** -- via e-mail, fax
6 whatever?

7 **MR. RODRIGUEZ:** Yes, Senator.

8 **SENATOR RIVERA-O'REILLY:** So the tax returns
9 that were filed with the petition for bankruptcy on
10 January 25, 2016 in Tennessee, the one petition where you
11 state that you reside in Tennessee, the documents, the tax
12 returns were in fact Virgin Islands tax returns filed in
13 the Virgin Islands?

14 **MR. RODRIGUEZ:** That's correct. As indicated
15 they have my P.O. Box number and it says St. Thomas,
16 Virgin Islands.

17 **SENATOR RIVERA-O'REILLY:** Very well. And all
18 three were stamped the same date --

19 **MR. RODRIGUEZ:** Yes, Senator.

20 **SENATOR RIVERA-O'REILLY:** -- by someone at the
21 IRB?

22 **MR. RODRIGUEZ:** Yes, Senator. And I wanted to
23 bring to your attention you mentioned about the 1099 with
24 my signature on it. A 1099 is not filed out by the
25 employer -- I mean the employee. It's filled out by the

1 employer. So that in itself the employer filled it out
2 and included my Tennessee address. It was not filled out
3 by me.

4 **SENATOR RIVERA-O'REILLY:** Right. That was a
5 question asked by another member.

6 **MR. RODRIGUEZ:** You had asked me that earlier in
7 the question.

8 **SENATOR RIVERA-O'REILLY:** No, I never asked you
9 if you signed the 1099.

10 **MR. RODRIGUEZ:** Oh, signed it. That's what I
11 meant. That's what I meant I didn't sign it, because I
12 didn't have to sign it because it was filled out by the
13 employer.

14 **SENATOR RIVERA-O'REILLY:** That question was
15 asked by another member.

16 **MR. RODRIGUEZ:** Okay, okay.

17 **SENATOR RIVERA-O'REILLY:** Very well. I
18 recognized now Senator Forde for his seven minutes.

19 **SENATOR FORDE:** Thank you, Madam Chair. Mr.
20 Rodriguez.

21 **MR. RODRIGUEZ:** Yes, Senator.

22 **SENATOR FORDE:** Do you feel that you were
23 treated fairly here this evening?

24 **MR. RODRIGUEZ:** Fairly uses a question as
25 relatively depends how the circumstances and the

1 surrounding --

2 **SENATOR FORDE:** Do you feel you were treated
3 unfairly --

4 **MR. RODRIGUEZ:** -- is cultivated --

5 **SENATOR FORDE:** -- this evening?

6 **MR. RODRIGUEZ:** Well, that's the same -- I mean
7 the process is the process. I'm in your house. I have to
8 abide by the process and so for which I abide by the
9 process.

10 **SENATOR FORDE:** Do you feel that there is some
11 conspiracy move ahead to exclude you from this body?

12 **MR. RODRIGUEZ:** Senator, I can't state one
13 specifically. You have to look at the whole situation.
14 I've heard so many things on the radio. I heard so many
15 things on the street. I heard so many things and
16 sometimes, you know, you then start to think what the
17 situation is. Now I don't want to pinpoint and say there
18 was a conspiracy against me. However, you know, there
19 were circumstances that I may say hmm, but to judge I'm
20 not here to judge.

21 **SENATOR FORDE:** Okay.

22 **MR. RODRIGUEZ:** To judge.

23 **SENATOR FORDE:** Do you take any responsibility
24 for being here today?

25 **MR. RODRIGUEZ:** I accept a hundred percent

1 responsibility for being here today.

2 **SENATOR FORDE:** So do you have an appreciation
3 for the challenge which is before us?

4 **MR. RODRIGUEZ:** Yes, Senator.

5 **SENATOR FORDE:** Very well. And having that
6 appreciate for that challenge then you must recognize that
7 no question asked is an indication that there's any
8 conspiracy against you. I mean this what we are here to
9 do. We are here to evaluate the qualifications
10 particularly as it relates to residency of you to take a
11 seat, is that correct?

12 **MR. RODRIGUEZ:** Yes.

13 **SENATOR FORDE:** You're understanding?

14 **MR. RODRIGUEZ:** Yes, Senator.

15 **SENATOR FORDE:** Very well. How would you
16 respond to an individual who says that having being a
17 former Director of Personnel, former businessman, now even
18 an aspirant for the Legislature, that indeed you must be
19 somewhat aware of what you did in fact sign or not sign?

20 **MR. RODRIGUEZ:** Senator, that is absolutely
21 correct. However, you know, and many of us could attest
22 that often times we're not aware of what we really sign or
23 even certain things we pay closer attention to than
24 others. So it's an human error that was made at that
25 time.

1 **SENATOR FORDE:** Would you say that every action
2 to include even errors have a consequence?

3 **MR. RODRIGUEZ:** Absolutely correct.

4 **SENATOR FORDE:** And you've taken responsibility
5 for that?

6 **MR. RODRIGUEZ:** Absolutely correct, Senator.

7 **SENATOR FORDE:** If you had it all over to do
8 again what would you do differently?

9 **MR. RODRIGUEZ:** Well, I would have read the
10 documents much more clearly and pay attention to the
11 information that was submitted, you know, and that's
12 hindsight. I think about that everyday. Had I had paid a
13 little bit more attention, you know the saying Women is
14 Mars men are from -- Women are from Venus and Men are from
15 Mars. I mean I think that everyday. I should have read
16 that document in its entirety, and I should have been able
17 to caught -- because as I learned of that information, the
18 first thing I did is I jumped on the phone, and I called
19 my attorney and I said what can we do to correct this.
20 And he said the case has been dissolved. So there's
21 nothing you could do. And there's -- I mean do you want
22 me to call. He said you know what I'm not going even
23 dignify that with an answer. And I'm not going to call
24 them and give them an explanation, because you have not
25 done anything wrong. That was his words. And so I took

1 that as -- as, you know, he's up there; I'm here. But
2 what's on the street is a different situation, because
3 people they painted a picture like I committed a cardinal
4 sin, and, you know, we all make mistakes.

5 **SENATOR FORDE:** Well, you know, it comes back to
6 the question though when I asked you about taking any
7 responsibility.

8 **MR. RODRIGUEZ:** And I accept that
9 responsibility.

10 **SENATOR FORDE:** Because I hear you keep saying I
11 have not done anything wrong. Maybe you weren't intended
12 to do something wrong, but that doesn't mean that
13 something wrong was not done. I mean it's not a crime.
14 Maybe not be a crime, it's not rape, it's not murder, it's
15 not stealing or anything of that nature, but that is not
16 to imply that something done was certainly incorrect.

17 **MR. RODRIGUEZ:** And you're absolutely correct.
18 But senator as I think one thing was lacking in this
19 proceeding which would have been my expert witness who
20 could have explained a bankruptcy and the procedure and
21 the intricacies of bankruptcy where even in discussion and
22 my research, people make errors on bankruptcy forms. As
23 my brother mentioned when he worked for the federal court,
24 this man forgot to put \$16 million of his assets. And all
25 they did is they called him in and he had to make a

1 correction, and that was it and that was \$16 million.

2 And so, you know, in hindsight I wish I had read
3 it. This is something I think over and over and over
4 again. Many people suffered, the people of the Virgin
5 Islands, Janelle Sarauw. All those persons who ran for
6 office. It was my mistake. I accept responsibility, but
7 I feel strongly that the mistake that I made was not bad
8 intention or anything to deceive the people of the Virgin
9 Islands, because that is not my personality or character
10 make up.

11 **SENATOR FORDE:** What seems to be have been the
12 difficulty with getting Ms. Moses to change your Tennessee
13 address?

14 **MR. RODRIGUEZ:** When you -- I would like to
15 answer that question. When you know the nature of Ms.
16 Moses, I've known Ms. Moses for several years. I've known
17 Ms. Moses even when there was a legal proceeding, because
18 I advised her not to do it. So I know the nature of the
19 beast. I know how she is. I know the conniving -- many
20 employees Ms. Penn all the former employees can attest to
21 Ms. Moses, and I want to use an example.

22 In order for us to get annual leave, not annual
23 leave, holiday. It's a holiday we had to submit to her by
24 3:00 or 10:00 all the names of presidents with a W. You
25 know that mental -- so one of the things that her and I

1 fell out was that because I had an HR background I would
2 champion the cause for the employees that working there
3 because many of them that was their only job. And so
4 although we had a friendship I had to balance that with
5 what you're doing is wrong. You should not be in an
6 environment for no employees to be hostile. And there
7 were other personal things I don't want to --

8 **THE TIMEKEEPER:** One minute thirty seconds.

9 **MR. RODRIGUEZ:** -- bring out right now that we
10 had discussions about that you know we fell out.

11 I want to make one note, you know, even the note
12 was you caused her to loose the grant. That was not true.
13 The grant was lost because of lack of documentation
14 provided to CDC which it would require financial
15 statements, and that was the reason why HOPE lost its
16 grant. It was not Kevin Rodriguez cause HOPE to loose the
17 grant, and the board -- the former board director can
18 attest to that.

19 **SENATOR FORDE:** All right. My time is going to
20 run out now so I hope I get a chance.

21 Mr. Morales.

22 **MR. MORALES:** Yes, sir.

23 **SENATOR FORDE:** You did make mention in your
24 testimony that in fact you know this day will come to
25 pass, and you answered that question what you meant by

1 that.

2 **THE TIMEKEEPER:** Thirty seconds.

3 **SENATOR FORDE:** However, you also made mention
4 that it was your advice not to hire Mr. Rodriguez, is that
5 accurate?

6 **MR. MORALES:** Yes.

7 **SENATOR FORDE:** Why if having given him such an
8 outstanding review, why would you have made such a
9 recommendation not to hire him.

10 **MR. MORALES:** Because I know the person --

11 **THE TIMEKEEPER:** Time.

12 **MR. MORALES:** -- he was going to deal with.

13 **SENATOR FORDE:** So you would have deprived him
14 of earning a living, because you knew who he was going to
15 deal with? Weren't you a member of the Board?

16 **MR. MORALES:** Yes and let me explain you that as
17 a member of the Board. During my time as a member of the
18 Board, Ms. Moses demand the Board. No other board member
19 than me ever question Ms. Moses of her actions, and what
20 she was doing with this thing. All the others agreed.

21 **SENATOR FORDE:** Thank you very much. My time
22 has been called. Thank you, Madam Chair.

23 **SENATOR RIVERA-O'REILLY:** You're welcome Senator
24 Forde. Mr. Rodriguez --

25 **MR. RODRIGUEZ:** Yes, Senator.

1 **SENATOR RIVERA-O'REILLY:** It's my turn but I'm
2 not really going to exhaust all seven minutes. Earlier
3 during your testimony or during the question and answer
4 segment, you explained that you were up against a deadline
5 with respect to the petition for bankruptcy --

6 **MR. RODRIGUEZ:** Yes, Senator.

7 **SENATOR RIVERA-O'REILLY:** In order to prevent
8 the eviction of your family.

9 **MR. RODRIGUEZ:** Yes, Senator.

10 **SENATOR RIVERA-O'REILLY:** And one of my
11 colleagues reminded me we believe that what you said was
12 that you ended up getting on a plane, you caught a bus, it
13 was a four-hour drive to get there to meet the deadline.
14 When was that? What date was that?

15 **MR. RODRIGUEZ:** That was January -- around the
16 same time January 24th a little earlier than that.

17 **SENATOR RIVERA-O'REILLY:** So if you were in
18 Tennessee on January 24th how could you have then gone
19 into Turbo Tax from St. Thomas and completed your tax
20 returns and e-mailed them to your attorney in Tennessee?
21 How could you have been in two places at the same time?

22 **MR. RODRIGUEZ:** No. You can -- on Turbo Tax you
23 can fill out your taxes, and you can sign them. I sent
24 them express to St. Thomas.

25 **SENATOR RIVERA-O'REILLY:** What you said earlier

1 when I asked you the question was that you were on St.

2 Thomas that you completed the forms on Turbo Tax --

3 **MR. RODRIGUEZ:** No. I didn't say I was in St.
4 Thomas.

5 **SENATOR RIVERA-O'REILLY:** -- and that you filed
6 them and that you e-mailed them or faxed them to your
7 attorney in Tennessee. That's what you said.

8 **MR. RODRIGUEZ:** Oh no, no. I never said that.

9 **SENATOR RIVERA-O'REILLY:** I can have the
10 transcriber reverse the transcript so that we can clarify
11 the record, because currently what's on the record is that
12 you were somehow able to be in both -- in two places at
13 the same time.

14 **MR. RODRIGUEZ:** Well, let me --

15 **SENATOR RIVERA-O'REILLY:** One person at the time
16 and perhaps that is not what you meant to say but that's
17 what you said.

18 **MR. RODRIGUEZ:** Okay. Well, let me --

19 **SENATOR RIVERA-O'REILLY:** It's important that we
20 clarify the record.

21 **MR. RODRIGUEZ:** Okay. When we went in -- we
22 actually we got snowed in, and we know that we had to do
23 the taxes because that's a requirement on bankruptcy. And
24 so I can tell you exactly where I did my Turbo Tax. I did
25 it at -- in Brentwood at -- what those places -- at FedEx

1 computer company, because I didn't have my laptop with me.
2 And I did my Turbo Tax there, and we then took it, and I
3 sent the signed copy because we had to -- both of us had
4 to sign, and we expressed it to my brother-in-law who then
5 took the copies in -- oh, I'm sorry -- my brother-in-law
6 who then took the copies in, had them date stamped and
7 then he then sent -- I mean not faxed -- he then faxed it
8 to me and that's what I turned into the attorney. But I
9 was in Nashville, Tennessee at that time.

10 **SENATOR RIVERA-O'REILLY:** For 2015, 2014, 2013.

11 **MR. RODRIGUEZ:** Yes, I did. They were on the
12 computer at Turbo Tax.

13 **SENATOR RIVERA-O'REILLY:** At the same time?

14 **MR. RODRIGUEZ:** Well, one after the other.
15 Yeah.

16 **SENATOR RIVERA-O'REILLY:** The same day?

17 **MR. RODRIGUEZ:** Yes.

18 **SENATOR RIVERA-O'REILLY:** So 2015 is signed
19 March 8, 2016. The other two are dated and signed January
20 24, 2016. 2014 was signed January 24th that K. A. R. 28
21 that would be -- the 2013 was signed January 20th. So if
22 you were at a Turbo Tax in Brentwood, and you completed
23 these at the computer all at the same time and you sent
24 them to your brother express mail, and he filed them at
25 the same time in the IRB, the 2015 is date stamped March

1 18, 2016 by the IRB. The 2014 and the 2013 are both date
2 stamped January 25, 2016.

3 **MR. RODRIGUEZ:** Okay. So he made -- and I
4 believe I can explain this 2015, because I believe this --
5 the 1099 I did not receive because I know that I was
6 speaking with Ms. Lindy Sewer who was the payroll person
7 for HOPE, and we were going back and forth, because I
8 needed my tax -- was it this one? I know there was one of
9 them. I know there was one of them that I was talking to
10 her as it relates to her providing me with my 1099, but I
11 don't believe it was the 2013. I may have submitted this
12 late, and I didn't look at the date, but I know I was
13 doing Turbo Tax right there at Brentwood at the FedEx
14 computer.

15 **SENATOR RIVERA-O'REILLY:** So since you express
16 mailed to your brother but the date of stamp -- one of
17 them was stamped two months later. Who submitted the 2015
18 tax return?

19 **MR. RODRIGUEZ:** I would have -- I would have
20 probably submit this one, because I was in St. Thomas at
21 that time. Yeah, the other two I know I was in Nashville,
22 Tennessee, and I know I was on Turbo Tax, because that's
23 how I did it. We sent it express in order to get it
24 completed. And so in 2000 -- for the 2015, I would have
25 submitted this because I was in the Virgin Islands.

1 **SENATOR RIVERA-O'REILLY:** So then you only had
2 to submit two years of tax returns to your bankruptcy --

3 **MR. RODRIGUEZ:** I've --

4 **SENATOR RIVERA-O'REILLY:** Let me finish. So
5 instead of three tax returns to your bankruptcy attorney
6 you only had to submit two?

7 **MR. RODRIGUEZ:** I don't even remember it was --

8 **SENATOR RIVERA-O'REILLY:** You have to speak into
9 the mic, Kimberly. I'm sorry.

10 **MS. RODRIGUEZ:** Oh, he had to fill out three,
11 submit three, but he couldn't control when IRB stamped
12 theirs. He filed them, and he had to have proof that he
13 filed them. Turbo Tax provided that proof that we took to
14 the attorney, but the two were date stamped. The all
15 three were overnighted. Two were immediately looks like
16 because of the dates stamped by IRB, but the third one did
17 not get stamped by IRB until March.

18 **SENATOR RIVERA-O'REILLY:** But it wasn't signed
19 by Mr. Rodriguez until March also.

20 **MR. RODRIGUEZ:** And I had to probably done this
21 one when I was here, because the other two was done -- if
22 you look at the two, when I was in Nashville, Tennessee
23 they were date stamped. The date stamp which would
24 correlate with my time in Tennessee, because we had it's
25 all correlate where the sequence is you do your taxes; you

1 went into the attorney by the 26th. It had to be filed
2 that evening, because the eviction notice would have been
3 on the door on the 27th. So those two correlate with that
4 timing.

5 This one had to have probably been when I was in
6 St. Thomas, because it's in March and I was here, and I
7 may have taken them -- well I took them in and got them
8 stamped, got it stamped.

9 **SENATOR RIVERA-O'REILLY:** Okay. Thanks for that
10 explanation. I believe that all -- all senators have had
11 an opportunity to ask their questions. And so I just have
12 three items that I'd like to make sure we address, and
13 that would be to Mr. Rodriguez. There any documents that
14 you would like to enter into the record that you haven't
15 already done? We have this. Any other documents that you
16 desire to enter into the record as a result of tonight's
17 discussion?

18 **MR. JACKSON:** If I may respond senator, I did
19 suggest earlier that I could give you the original as
20 opposed to the copy of the Board of Elections
21 certification results. I don't know if that would be
22 better than just copy that's contained in the exhibits.
23 But it would be the same as in the exhibit.

24 **SENATOR RIVERA-O'REILLY:** But you're not going
25 to leave the original with us would you? Will you?

1 MR. RODRIGUEZ: It's just a colored copy.

2 SENATOR RIVERA-O'REILLY: Okay.

3 MR. JACKSON: It's just a better copy.

4 SENATOR RIVERA-O'REILLY: Very well.

5 MR. JACKSON: I can present that.

6 SENATOR RIVERA-O'REILLY: Very well. That would
7 then be -- that would be entered into the record. And
8 that takes care of that. Someone will retrieve that from
9 you. What is the status of the home now? Are you still
10 in the home?

11 MS. RODRIGUEZ: No, ma'am. On February 15th we
12 had to relinquish possession of the home and --

13 SENATOR RIVERA-O'REILLY: I'm sorry if that
14 question was asked and answered. Did you ever submit any
15 -- any utility bills to the Supervisor of the Election as
16 through the transcript it appears that you did not. Did
17 you ever submit any utility bills?

18 MR. RODRIGUEZ: No.

19 SENATOR RIVERA-O'REILLY: You don't have any?

20 MR. RODRIGUEZ: It's submitted -- I submitted
21 the utility bills in court and also there in this packet
22 submitted to the Legislature.

23 SENATOR RIVERA-O'REILLY: Do you know do you
24 have any utility bills that are dated back to May 2013 I
25 have not gone through this entire document.

1 MR. RODRIGUEZ: Electric bill. And then --

2 SENATOR RIVERA-O'REILLY: Prior to 2013?

3 MR. RODRIGUEZ: The utility bill would be the
4 electrical bill.

5 SENATOR RIVERA-O'REILLY: From 2013.

6 MR. RODRIGUEZ: I have a electrical bill on
7 2013, yes.

8 SENATOR RIVERA-O'REILLY: Got you. Okay, very
9 well. And then the very last question is do you agree
10 that this body must take into consideration any and all
11 prior representations that you have made as to your place
12 of residency?

13 MR. RODRIGUEZ: No. According to the Revised
14 Organic Act as stated, a person shall be eligible to be a
15 member of the Legislature and those are the six
16 requirements. And as stated by counsel, legislative
17 counsel, by my counsel the only thing is in front of this
18 body should be the requirement as set forth in the Organic
19 Act.

20 SENATOR RIVERA-O'REILLY: So nothing else that
21 you have said or represented in any other institution in
22 whether it's the bankruptcy documents, whether it's the
23 testimony before any of the courts, the fact that you got
24 a driver's license in July of 2016, none of those we
25 should not consider, in your opinion, any of those?

1 **MR. RODRIGUEZ:** You're correct, Senator. And
2 the reason why I say that is the requirement for the Board
3 of Election is your U.S. citizenship. It's not a driver's
4 license. I didn't have a car in the Virgin Islands. So
5 there was no need to even change -- I drove. I mean I
6 would rent -- probably borrow a car here and there. As
7 Ms. Scipio indicated she gave me a ride sometimes. I may
8 have, you know, had to catch a ride or if I don't get a
9 ride I don't go anywhere, because I don't --

10 **SENATOR RIVERA-O'REILLY:** So you used your
11 Tennessee driver's license as your form of identification?

12 **MR. RODRIGUEZ:** Pardon me?

13 **SENATOR RIVERA-O'REILLY:** You used your
14 Tennessee driver's license as your form of identification
15 while you were in the Virgin Islands without a driver's
16 license?

17 **MR. RODRIGUEZ:** A passport. I used passport.

18 **SENATOR RIVERA-O'REILLY:** You walked with your
19 passport and used that as your ID everywhere you went?

20 **MR. RODRIGUEZ:** No. Well the only time you need
21 an ID if you're going to do business that requires an ID.
22 So then you would walk with a --

23 **SENATOR RIVERA-O'REILLY:** Cash a check?

24 **MR. RODRIGUEZ:** Well, I didn't cash a check.

25 **SENATOR RIVERA-O'REILLY:** Okay. Very well. So

1 now that all of the members have had an opportunity to
2 query you, there is -- we have one more block remaining of
3 residents that have asked to testify, and we would take a
4 20-minute recess and return to conclude tonight
5 proceeding.

6 The Committee is in recess for ten minutes.

7
8 (Regular Session/Committee of the Whole stands
9 in recess.)

10 (WHEREUPON, I, Nataya A. M. Munoz, was relieved
11 by Verna Turnbull-Carty.)
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1 TERRITORY OF THE VIRGIN ISLANDS)
2) Ss:
3 DIVISION OF ST. THOMAS/ST. JOHN)

4 C-E-R-T-I-F-I-C-A-T-E

5 I, NATAYA A. M. MUNOZ, Legislative Reporter,
6 Division of St. Thomas/St. John hereby certify that I
7 reported, by machine shorthand, stenographically, the
8 proceedings given at the Earle B. Ottley Legislative Hall
9 held on June 27, 2017, on the island of St. Thomas.

10 I FURTHER CERTIFY that the foregoing 119 pages
11 constitute a true and accurate transcript of said
12 proceedings as taken by me from my stenographic notes and
13 thereafter transcribed.
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